

HOUSE BILL 289

E4

0lr1542
CF 0lr1573

By: **Delegates Smigiel, Aumann, Bates, Beitzel, Boteler, Carter, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Jennings, Kach, Kelly, Kramer, Krebs, McComas, Miller, Norman, Schuh, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stull, and Walkup**

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Child Sexual Offenders – Diminution Credits and**
3 **Parole**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
5 confinement of an inmate who is serving a sentence in a State or local
6 correctional facility for committing a certain sexual crime against a minor;
7 providing that an inmate who is serving a sentence for committing a certain
8 sexual crime against a minor is not eligible for parole consideration and may not
9 be granted parole at any time during the inmate's sentence; providing for the
10 application of this Act; and generally relating to the elimination of diminution
11 credits and parole eligibility for persons serving sentences for committing
12 certain sexual crimes against children.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 3–702 and 11–502
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 BY adding to
19 Article – Correctional Services
20 Section 7–301(e)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Correctional Services**

2 3–702.

3 **(A)** Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this subtitle,
4 and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the
5 Commissioner is entitled to a diminution of the inmate’s term of confinement as
6 provided under this subtitle.

7 **(B)** **AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF §**
8 **3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE**
9 **INVOLVING A MINOR VICTIM IS NOT ENTITLED TO A DIMINUTION OF THE**
10 **INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

11 7–301.

12 **(E)** **AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF §**
13 **3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE**
14 **INVOLVING A MINOR VICTIM IS NOT ELIGIBLE FOR PAROLE CONSIDERATION**
15 **AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE’S**
16 **SENTENCE.**

17 11–502.

18 **(A)** **[An]** **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION**, AN
19 inmate who has been sentenced to a term of imprisonment shall be allowed deductions
20 from the inmate’s term of confinement as provided under this subtitle for any period of
21 presentence or postsentence confinement in a local correctional facility.

22 **(B)** **AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF §**
23 **3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE**
24 **INVOLVING A MINOR VICTIM MAY NOT BE ALLOWED DEDUCTIONS FROM THE**
25 **INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR**
26 **ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL**
27 **CORRECTIONAL FACILITY.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply only prospectively and may not be applied or interpreted to have
30 any effect on or application to any offense committed before the effective date of this
31 Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2010.